

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF GTE WIRELESS OF THE SOUTH)	
INCORPORATED FOR ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY TO CONSTRUCT AN ADDITIONAL)	CASE NO.
CELL FACILITY IN KENTUCKY RURAL SERVICE)	99-238-UAC
AREA NO. 7 WHICH INCLUDES FRANKLIN)	
COUNTY, KENTUCKY (THE KY 0040/JETTOWN)	
CELL FACILITY))	

O R D E R

On June 18, 1999, GTE Wireless of the South Incorporated ("GTE Wireless") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility is to be located at 531 Harmony Lane, Frankfort, Franklin County, Kentucky (the mailing address is Versailles, Woodford County, Kentucky). The coordinates for the proposed facility are North Latitude 38° 10' 21.74" by West Longitude 84° 47' 27.19". On June 29, 1999, GTE Wireless amended its application changing its name and state of incorporation.

GTE Wireless has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to KRS 100.987, GTE Wireless has submitted the uniform application to the Frankfort and Franklin County Planning and Zoning Commission (Planning Commission). To date, no comments have been filed by the Planning Commission and the uniform application is presumed to have been approved. GTE Wireless has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both applications are pending.

GTE Wireless has filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. To date, no comments have been filed with the Commission.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, GTE Wireless should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by GTE Wireless.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that GTE Wireless has demonstrated that a facility is necessary to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. GTE Wireless is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility to be located at 531 Harmony Lane, Frankfort, Franklin County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 10' 21.74" by West Longitude 84° 47' 27.19".

2. GTE Wireless shall file a copy of the final decisions regarding its pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

3. GTE Wireless shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 7th day of September, 1999.

By the Commission

ATTEST:

Executive Director